

JAG 12  
20th August, 1945

HD/JAG/PA/22/67(1)

CONFIDENTIAL

Commander-in-Chief,  
21 Army Group.

AUSCHWITZ AND BERGEN-BELSEN CONCENTRATION CAMPS.  
Murder and ill-treatment of Allied Nationals.

Accused:

- H-1 Joseph KRAMER
- H-2 Dr Fritz KLEIN
- H-3 Peter WEINGARTNER
- 4 George KRAFT
- H-5 HESSLER alias HESLER alias HESLER
- H-6 Juana BORMANN
- H-7 Elisabeth VOLKSTRAH
- 8 Herta HESLER
- H-9 Irma GRESSE
- 10 Ilse LOHDE
- 11 Hilde LOBAUER alias LOHBAUER
- 12 Josef KLIPPEL
- 13 NIKOLAS JENSEN alias JENSEN
- 14 Oscar SCHMIDT alias SCHMIDT
- 15 Paul SCHMIDT
- H-16 Karl FRATZICH alias FRATZICH
- 17 Ladislav GURA
- 18 Fritz HAHN
- 19 Otto CARLSON alias KULSSA
- 20 Medialaw BURCHOF
- 21 Karl KRENDORF
- H-22 Anchor FUCHS
- 23 Walter OTTO
- 24 Walter MELCHER
- H-25 Frans STOFFEL
- 26 Heinrich SCHREIBER
- H-27 Wilhelm DOR
- 28 Eric BARON alias BARON
- 29 Erich ZODDEL
- 30 Ignats SCHLESIVICH
- 31 Vladislav OSEROWSKI alias OSEROWSKI
- 32 Antoni AUDZIEJ
- 33 Ilse FORSTER
- 34 Ida FORSTER
- 35 Klara OPPEZ
- 36 Charlotte KLEIN
- 37 Herta BOHE
- 38 Frieda WALTER
- 39 Irene HACHEGE
- 40 Gertrude FIESE
- 41 Gertrude SAUER
- 42 Hilde LESTERWITZ
- 43 Johanne ROTH
- 44 Anna HESLER
- 45 Hildegard HESLER
- 46 Helena KOPFER



1. I am directed by the Judge Advocate General of the Forces to return this case which was referred here by D.J.A.G. at your Headquarters. The case will be registered with the United Nations War Crimes Commission as a War Crime. The fiat of the Attorney-General will be obtained. To save time the case is forwarded to you in order that preparation for the trial may in the meantime proceed.

2. The Judge Advocate General has instructed me to convey the following advice to you regarding the case.

3. In my opinion the evidence justifies the above-named accused being tried jointly by Military Court under the Royal Warrant upon the following charge:-

COMMITTING A WAR CRIME

1st Charge

in that they

at Bergen-Belsen, Germany, between 1 October 1942 and 30 April 1945 when members of the staff of Bergen-Belsen Concentration Camp responsible for the well being of the persons interned there, in violation of the law and usages of war were together concerned as parties to the ill-treatment of certain of such persons causing the deaths of Keith Meyer (a British national), Anna Kis, Sara Kohn (both Hungarian nationals), Hejmech Glinovjechy and Maria Konatkevicz (both Polish nationals) and ..... Allied nationals and other Allied nationals whose names are unknown and physical suffering to other persons interned there, Allied nationals, and particularly Harold Osmund le Druilleneo (a British national), Benec Zuchermann, a female internee named Korperova, a female internee named Hoffman, Luba Rormann, Ida Frydmann (all Polish nationals) and Alexandra Siwidowa, a Russian national and other Allied nationals whose names are unknown.

A selection should be made from the copy of the Register of Deaths referred to in D.J.A.G., 21 Army Group minute to this office No. 21AGp/155228/11/9/JAG dated 4th July 1945 of some six or eight other names of victims whose nationality was Allied and whose cause of death was plainly brought about by the ill-treatment alleged.

4. In addition, in my opinion the evidence justifies the following accused being jointly tried by Military Court upon the charge set out below. This charge should appear upon the same charge sheet as the charged advised in paragraph 1 above:-

- |                         |                                 |
|-------------------------|---------------------------------|
| 1 Joseph KRAMER         | 6 Juana BORMANN                 |
| 2 Dr Fritz KLEIN        | 7 Elisabeth VOLKENRATH          |
| 3 Peter WEINGARTNER     | 8 Herta EHLERT                  |
| 4 George KRAFT          | 9 Irma GRESE                    |
| 5 HOESSLER alias HELLER | 10 Ilse LOTHE                   |
| alias ESSLER            | 11 Hilde LOBAUER alias LOHBAUER |

2nd Charge

COMMITTING A WAR CRIME

in that they

at Auschwitz, Poland, between 1 October 1942 and 30 April 1945 when members of the staff of Auschwitz Concentration Camp responsible for the well being of the persons interned there in violation of the law and usages of war were together concerned as parties to the ill-treatment of certain of such persons causing the deaths of Rachella Silberstein (a Polish national), Allied nationals and other Allied nationals whose names are unknown and physical suffering to other persons interned there, Allied nationals, and particularly to Ewa Gryka and Hanka Rosenways (both Polish nationals) and other Allied nationals whose names are unknown.

5. The accused should be attached to a unit and the commanding officer of that unit should act in accordance with the provisions of paragraph 4 of 'Regulation for the Trial of War Criminals' (Army Order 81/45).

6. In the heading of the charge sheet the accused should be described as being "in the charge of ..... unit pursuant to regulation 4 of the 'Regulations for the Trial of War Criminals.'" The charge sheet when completed should be signed by the commanding officer as such.



7.

with regard to the evidence:-

- (i) Affidavits or statements have been taken from the necessary witnesses and 60 copies of each are enclosed herewith. The original affidavits and statements together with 3 copies thereof have been forwarded to the Deputy Judge Advocate General at your Headquarters.
- (ii) With regard to the attendance of witnesses at the trial; the rules of evidence under English law as modified by regulation 8 of the 'Regulations for the Trial of War Criminals' apply to the trial of war criminals before military courts. Consequently in a case where regulation 8(1)(a) applies to a witness an affidavit or other signed statement from the witness may be put in in evidence. It is understood that the majority of the witnesses in this case may not now be available to give evidence in person. As many witnesses as possible who are now readily available should be called to give evidence to the effect of their affidavit or statement.
- (iii) You will observe that a copy of the joint affidavit of Sergeants Lawrie, Lewis and Heywood, all R.A.O.C., is included with the copy affidavits or statements enclosed herewith and that this copy affidavit refers to a photographic film of scenes taken at Bergen-Belsen Concentration Camp. I think this film should be exhibited at the trial, use being made of the affidavit of Sergeants Lawrie, Lewis and Heywood, none of whom will I understand be available to attend the trial. The film is forwarded herewith.
- (iv) Captain Stewart, J.A.G. Branch at your Headquarters, should be called as a witness at the trial to state that he received the copy Register of Deaths referred to in paragraph 3 above and that he has made analyses of the nationality of the deceased and of the causes of death referred to in such Register; he must state the nationalities and causes of death contained in such analyses. A copy of the evidence to be given by Captain Stewart should be given to each of the accused.

8. In my opinion the court should be presided over by a Major General and four other senior officers as members. In my view also, any of the Allied Nations whose nationals are involved should be invited to send representatives as observers at the trial.

9. The Judge Advocate General further directs me to say that, in accordance with the second paragraph of paragraph 5 of 'Regulations for the Trial of War Criminals', he has deputed Mr. C.L. Stirling, C.B.E., Deputy Judge Advocate General of the Forces, to be judge advocate at the trial.

I will make the necessary arrangements for his journey to attend the trial if you will let me know the date and place of trial.

10. In my view the prosecution should be conducted by an officer who is experienced in prosecuting cases before military courts. No doubt you will consult with D.J.A.G. at your Headquarters on this matter.

11. No doubt you will consider that the services of a British officer or officers should be offered to the accused (see regulation 7 of 'Regulations for the Trial of War Criminals').

12. I think each of the accused should be supplied with a copy of the affidavits and statements and arrangements should be made for the services of an interpreter to be available to the accused if they so require.

13. On copy of the charge sheet will be required for the use of the judge advocate and one copy for the use of the prosecuting officer.

14. This office will arrange for the necessary shorthand writers.



15. The services of an impartial persons competent to act as interpreter at the trial should be available. Provision will also have to be made for any Allied nationals who may be called to give oral evidence and who are unable to speak the German language.

(SGD) H. SHAPCOTT.

Brigadier,  
Military Deputy,  
Judge Advocate General.

Copy to: A.G. 3 (V.W.)  
D.J.A.G., 21 Army Group.  
Treasury Solicitor.

HGMN/JB

P.S. to D.J.A.G. 21 Army Group

In some cases copy affidavits only have been forwarded to this office and I understand that the originals are in your possession. I am enclosing herewith such copy affidavits together with all originals in my possession.

Please confirm that you are obtaining the photographs of the accused referred to in the affidavit of Lieut-Col. Champion (this office minute numbered as above dated 31 July 1945 refers) and that you are obtaining an affidavit with sufficient copies thereof from Captain Pipien with regard to the statement of the accused Antoni Aurdziej (this office minute numbered as above dated 8th August 1945 refers).

(SGD) H. SHAPCOTT.